App. F. IX-4

1927.

File No. 77--27

Previous References

Pol Dept no 373-25

(Courts)

Serial Nos. 1

Later References

do 77-27-2

PRESERVED

General and Revenue Secretariat.

Serial Nos. one

Part B for September 27

SUBJECT

Re the release of prisoner Malle gowda and from the Mysore Jail on 1-11-26 without surrendering him to the special first class Magistrate, Hassan and proposals to avoid such failures in future.

No P. 1754-88 29-9-27

To the Inspr Generals of Prisons Dirs of Mysore & Bangalore Registrar High Court Inspr General of Police

Passed orders on the subject.

Narasimha Iyengar
5-12-27

2837

C15

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intende for permanent record.]

From
The D. M. Tellicherry letter no 907/1
States that it is reported that there are other cases pending against Mallai Gowda in the Special magistrates' courts at Kanjangad and Hosdurg and that on the disposal of these cases reference will be made as to whether the prisoner is available for extradition.
Submitted with draft

29/11/26
Asst
19/11

(Illegible)

28
28/1

1st m.

553
21/1

84
21.1
Copy
21.1

(Illegible)
22/1

Issue Copy
21.1

From
The Sec. to the Resident
Endorsement no 638 / 21.1.25
Forwarded for necessary action a copy of letter / 15.1.26 from the D. M. Cannanore requesting the surrender of Mallai Gowda after the case against him before the Bundar-magistrate at T. Nadu has been disposed of

For
The D. M. has stated that cases are pending against him in the Special magistrate Court at Kanjangad and Hosdurg and that returns will be given after his trial in the courts are over. A draft to the Residency

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

3

2

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

effect has been approved. If approved via the draft the Residency endorsement no 638 d/ 21-1-26 may be referred and the draft moved. —

4) A reply to the Residency 28/1/26 has already been approved. 28/1 There is a fresh Communication on the point, asking for the surrender of the accused after his trial in T. Narsipur is over. The reply that is approved says that the accused will be surrendered after all the cases against him are disposed of. The same reply will hold good now, with a slight modification — viz reading the present Communication also in the letter. Draft will be revised accordingly & issued (A) if approved.

5) Cus 28/1

(A) may be done

1st Asst. 889 26-1-26

84 28/1

I agree Cus 28-1

Cus 26/1

26/1 Cus 26-1

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

To Mr Secy to the Resident.
RO Pol 616 d 27-1-26.
I note that the Dy Commr Mysore reports that there are other cases pending against him in the 3rd Class magistrates [illegible] & I presume that after

3

3

4057

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

on the disposal of those cases, reference will be made intimating that the prisoner is available for extradition.

From

The Secy to the Resident

memo no 3356/542 A-1900/15 4/26

Forwards a copy of letter dt 9-4-26 from the D.M. Coimbatore enquiring when the other cases pending against Mallai gowda are likely to be disposed of and when he may be expected to be surrendered to the Sub-Divl Magistrate, K.R.Pet.

7) Submitted with draft

Sd

29/4/26 8) Issue

Asst Supdt

Sd

21/4

To The Dt Magte Mysore

Memo 5467 dt 23-4-26

Rd a copy of letter from the D.M. Coimbatore and requests to furnish the information called for.

From

The D.M. Mysore letter no 907 dt 28-4-26

Forwards a copy of letter addressed to the Hd mgte, Harur enquiring when the case against Mallai gowda is likely to be disposed of and that a final reply will be sent on receipt of information from the Hd Magte.

Submitted ~~herewith~~ draft memo

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

reminder issued if necessary.

B. Acknowledgment have not been received
11/5/26 from the Residency in the meantime.
Draft reminder will be put up
if no reply from the
Dy. may be issued
after 8th or 10th
a reminder may
be sent.

8/5

5

Further reply has not
yet been received.
Submitted with a draft.

11/5

13/5 June

12/5

Issued 5829 Dy 12/5.

From:
The D.M. Mysore. Letter No C 907/9 21.5.26

States that it is reported that the Police who
to take the accused Makaiyanda to the
Special magistrate Hassan, after
receiving the accused sent him to the
Mysore Jail for being shadowed as usual.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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instead of surrendering him to the Special Magistrate Hassan, that he escaped to the British territory and that he is undergoing trial under section 420 I.P.C in Kalegal Taluk. The convict in question has been escorted by a Sergeant and 3 Constables from the jail. They have signed in the jail Register of Prisoners handed over to the police for production before court. To say that the jail authorities did not intimate that the prisoner had to be taken to the Special Magistrate, Hassan, cannot be believed. One of the constables who escorted the convict has stated that he signed the Regr and was not told that the prisoner has to be produced before the Special magistrates Court Hassan. He also states that he knows a little of Kanarese and Hindustani. The same cannot be said of the sergeant. It is not known whether he has signed in the Register.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for **permanent record.**]

---

2. It is not known whether the ~~warrant~~ charge sheet of the British magistrate sent to the Dy. Mysore has been sent to the Police for needful action. If so, the Police should not have released him, but arrested him on the strength of the British Magistrate's warrant for being produced before him. The warrant might have been sent to the Police by the District magistrate in the usual course. In either ~~case~~ way the police seem to have failed in their duty, and it is doubtful if the explanation of the officers responsible can be accepted.

Since it is now reported that the accused is on trial before the Kollegal Magistrate, the Hon'ble the Resident may be informed ~~and~~ ~~Government may be informed~~ and then further action may be taken if necessary as regards the conduct of the Police and with a draft for orders

B.
25/5/26

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

4499

G.R.S. III—3]

Routine Notes.'

[To be used only for notes, requisitions, etc., not intended for permanent record.]

17) The Recording may be informed of the presence of the accused before the Court as he is legal

18) Record seems to be some mistake committed - the Ob might be asked to investigate the irregularity & submit his report —

Dh Reg)
1st Mar.

29/5

29.5

29.5

10225/29/5

19) Dafr to Resg Ag DC & may issue

20) The Superintendent Jail is not under the DC Magte, but the Police is. He should be a Judl Officer & expected to be responsible for keeping the Jail & the Police that is to blame.

21) After issue Dlg. Pr. has been Consulted abous the arrangements to give all facilities. The Police is not under Dlg & so that one of the other Officers cannot Examine them & some disciplinary action against the person or persons who Called for & caused the Police case.

3.6.15

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

ISSUE & SUBMIT.

3/6/15

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for **permanent record.**]

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(1)
O The Secy to the President
Dep Off C 1111 D 31-5-26

With ref to para (21) above. It is respectfully submitted that instead of writing to the G of Prisons and getting his reply, a draft as proposed in the Dft may be issued and a copy sent.

By D 5.6.26 RPP 4/6

Issue the draft to the G of Prisons. Copy to

To The D. G of Prisons
Dep 6240 D 10-6.26

Enquires whether he has any objection to the proposed enquiry on the part of the necessary facilities being given to the Dft

11/6

Draft
The G. of Prisons Letter no C 35 D 23.6.26
States that he will himself hold the enquiry in the matter of the [redacted] and is unable to see any objection as regards the police & Greenwich. M. Hos. and [illegible]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

held for orders. It is also for consideration whether the Supt Dpcmr may be asked to hold the

C.D.No. 165/P/25

4917

9

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

enquiry now or after the receipt of the report of the S.P. in the matter of the conduct of the warder jail.-

25/6/26 The proposal of the Supdt Prisons to hold an enquiry so far as the Jail Press is concerned may be accepted. Evidently he does not relish the idea of the Dist Magistrate enquiring into jail irregularities. As for the police the Dist magistrate may hold a separate enquiry & he may pass orders after perusing both the reports.

Seen

No Two Enquiries leading to different Conclusions will be Valueless.

I suggested Dist Magte as he is trained in weighing evidence.

11292/29/6

As Dist Magte of Bangalore I had under Govt orders, held an Enquiry in a more serious case re Central Jail & the then I.G.P. (Dr Achuta Rao) was also present during Enquiry & I believe, submit his own remarks also Confl. to Govt.

2] Please find out from I.G.P today whether he agrees or not, to spend some time in Enquiring into both Jail & Police affairs she held in the Jail in his presence by Dt Magte - & he may submit his own views Confl. or Dt magte may send his report Thereafter.

30/6

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The Dy Q Prisons is agreeable to the Distt Magistrate conducting the enquiry in case the report is to be sent through him. He says he may have to express his views also in case he differs from the Distt Magistrate.

106/5/7

(1st Secy)
etc m/r

Cag
30/6
S.H
1.7
Cag
5.7

The Dy Magte may be directed to endeavour to get the Enquiries & Submissions before Tuesday when the parties may be present on the Enquiry.

Sd
6/7/26

S.H
6.7.
Cag
6.7

5/7

Issue with draft
S/
9/7/26
Asst
9/7

Issue
Cag
9.7

To The Dy Magte, Mysore
Rop 193 Dt 12-7-26.
Requests to hold an enquiry and submit a report through the Dy C. Prisons

To The Dy C. Prisons
Rop 194 Dt 12-7-26
Forwarding copy of the above

Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

7188

11

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

From

The D. M. Mysore

Letter No. Nil 907/25-26 dt 2 9/26

Forwards a report in the matter of the release of the Executive Malla

Ltd.

The letter is addressed to Govt thro' the G. G. of Coorg. It is not known whether a copy of the letter has been sent to the G. G. Coorg for his remarks On the usual course it should have been sent to the G. G Coorg who would have to forward it to Govt. Whether any enquiry can be made on the reference sent to G G of Coorg for remarks is for orders. From the report it seems better to get the opinion of the G. G of Coorg also

8/9/26

The letter has perhaps been sent here by mistake instead of sending it to the G of Coorg, as typed on the letter 'through the G of Coorg'.

Granting that a copy of the letter has been sent to the G separately, it is likely that he may require the records pending on which have all been sent here.

For orders if the DC's letter with the encls may be sent to the G for or whether the file itself may be referred to him D.O for remarks

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

1 2 — ref to ... — C.D.N. 23 P 826.

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Apparently the original draft is sent here by mistake instead of the Dy of Prisons, to whom he has to forward the same together with his remarks, if any. The letter, as well as its enclosures may be sent to the Dy of Prisons & the Distt Magistrate informed accordingly.

L H Lees

cas -9.9

7/9 15-9.

cas 13.9

cas 13.9

Sent with draft. — I send cas 14/9

B 1619/26 AP 1869

To the Dy of Prisons

Pop 1306 dt 15-9-26.

Returns the letter which has been sent by mistake by the Distt Magte of Pune.

B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

WD 01229—GPB—37,500—1-9-26

eneral and Revenue Secretariat

C5 File No. 277 of 1926-28

Serial No.

From.

The S. P. of Prisons. Letter no 16278 S. CO. 26

Forwards with his remarks the report of the D. M. Mysore in the matter of the release of Malla from the Mysore Jail.

Noted.

(2) The D. M's report is full and he has held a detailed enquiry. Kind reference is invited to para (6) wherein the contentions of the jail authorities are summarised. The D. M. has justified as much as possible the ~~police~~ action of the police. The fault that has been laid to the door of the Camp Jailor is that he did not intimate the impending release of Malla in writing to the Asst Supt of Police. ~~and~~

(3) It is not known whether the Telephone in such cases cannot be utilised. If as stated by the Police, they had no information as to the warrant pending against the accused Malla, there is no need for sending for ~~a~~ special escort. This has not been properly explained. The D.M's contention that the police constables not knowing what to do with the prisoner simply signed the register is not ~~many~~ tenable. These facts have been pointed out by the S. P. of Prisons also. Action may perhaps be taken to adopt the suggestions made re maintenance of a register in Jail for entering cases in which warrants are received for execution and the entrustment of all released convicts by the Asst Supts of Police Mysore and Bangalore cities.

43 Noted with reference to para 2 of above.

14/6/26

NOTE—Contn. Sheet

WD 01229—GPB—37,500—1-9-
App. F. III—2]

General and Revenue Secretariat

File No. 77 of 1927

Serial No.

44 Please forward the Jail Manual. 15/4

45 Held with the jail manual

24/10/26

46 Subd for perusal.

47 The Dt Magte Tuticorin has sent his report of his enquiry (Fl: E)

48 The remarks of the D.G. Prisons have been also called for.

49 The Dt Magte's report (Fl: E) gives the facts fully and I have flagged the references in the report.

50 The result of the enquiry is that the prisoner Malla was not allowed to escape, but was escorted to his native place in Tirunelveli.

51 The reason for not arresting Malla soon after his release from the jail on 1.4.26 seems to be that was due to the fact that Malla was discharged on 30.3.26 by the City Magistrate and that this was not anticipated both by the authorities concerned, viz the Dt Magte & the D.G. Prisons are concurrent on this finding.

E.

NOTE—Contn. Sheet

App. F. III—2]

General and Revenue Secretariat. | No. File No. 77 of 1927.

Serial No.

51 And this unfortunate incident which led to the non arrest was ~~with the requisitions~~ that the Ch. ought received a copy of the Jail Supdt's letter to D.C. Haroon posted on 30.3.26, on 3.4.26. The letter posted to the D.C. Haroon on 30.3.26, reached him on 1.4.26 & the letter of the D.C. Haroon to the A.S.P reached the latter on 3.4.26 two days after the release.

~~The Jail Ch. ought~~

52 The Ch. ought considers that the jail authorities could have done well if they had gone personally to the Ch. ought or A.S.P & intimated to them of the release

53 The D.I.G. Prisons considers that the jail authorities did all they could & could not be expected to do anything more & justifies their conduct.

54 In order to avoid such happenings in future the Ch. ought suggests certain procedure & the D.I.G. Prisons says that they may

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. III—2]

16

1752 P

General and Revenue Secretariat. | File No. 77 of 1927.

Serial No.

be amended as adopted.

See 2 & 3

25 4/5-

55 Under the circumstance with the jail authorities ~~was the~~ Police are to be blamed..

The procedure recommended ought be adopted

1st Mun^r..

12076/25/5

8 28/5

56 Put up draft for Consd^n. facts needed states only. vs Meth & change in process & forms. Quite Meth

25 25/5

Lee 26/5

27/5

57 Sent with draft-

Read & 50 [illegible] 4/6

8 4/6/27 6/6

58 Please type the draft. Please also put up the forms referred to for the Prisoners testimony Ref and examine if it is in conformity with Sections 8 and 9 of the Prisoners Testimony Act

25 6/6

NOTE—Contn. sheet.

05 7/6

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat.

CS File No. 77 of 1927.

Serial No.

54 Rtd with a typed draft. The forms are contained in Criminal Rules and orders Vol II - Pages 89. & The forms have been prescribed under section 2. Prisoners Testimony Regulation.

8/6/27 60 Please examine whether (ii) does not require amendment of the Prisoners' testimony Regn & whether warrants under the Cr. Pr. code are in the forms proposed.

CS 15/6

15/6

Rtd.

61 The forms referred to have been prescribed by section 2 of the Regulation and to change the forms, Regn amendment is necessary.

62 The warrants under the Criminal Procedure code are not in the forms now proposed by the DM. The forms under the P. T. Regulation follow the wordings as far as possible Criminal Procedure code

8/6 63 The forms no 68 & 69 are prescribed under Sec 2 of the Prisoners Testimony Regn & require the prisoner to be produced as a

Through the Secy —

8/7/27

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat. | File No. 77 of 1927

Serial No.

Specified day and specified hour. It seems doubtful if the forms can be altered in the way proposed by the D.P., Mysore, without resorting to legislation.

A.R. 14/7

6) Draft is subt.

The suggestion (ii) in the draft relates to the amendment of the forms prescribed by the Prisoners Testimony Regulation, Schedule A & B.

6) The same forms are prescribed by the Chief Court - Vide page 89 vol II: General Rules & orders Criminal.

6) The forms prescribed in Schedule V of the Cr. Pro. code may be varied under section 5-5-4 Cr. Pro. code as the circumstances of each case may require.

7) But there is no provision under the P. T. Regn similar to section 5-5-4 Cr. Pro. code, to vary the forms prescribed under that Regulation. Even a rule under section 15(3) of the Regn prescribing a form in the proposed form will be inconsistent with the Regulation.

NOTE—Contn. sheet.

WD 0324 -GPB—60,000—24-5-27

General and Revenue Secretariat. | File No. 77 of 1927

Serial No.

If the forms are to be changed amend-ment of the Regulation seems to be necessary.

6 Since the chief Court issued the forms 68 & 69 under R. P 720 dated 18th February 1904, it seems to be necessary to consult it.

5 Pending the decision on this question of amendment, instructions (i) & (iii) may be approved.

Sect 2 (d) 16/7

Please bring it 8/7 15/7

70 Instructions nos i & iii may be approved now. The question of amendment of Prisoners' Testimony Act need not be taken up. Even the Br Indian Legislature have not thought fit to amend the Act.

1st Number 30/7

10000 31/7

7 Paper. Please follow 20/7

(iii). Rd(iii) it has to be made clear that interviews before release & only re long term & more than one convicted prisoners & Drafts as revised shall be sent to Govt for sanction.

31/7

1·6

1·6

Last para of the Go. may perhaps be revised and a revised draft is sent

Please type, page 4 agly 28/7/27

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

1752 fw

App. F. III—2] 20

General and Revenue Secretariat. | File No. 77 of 1927.

Serial No.

74
Subd with a typed draft as revised
8/8/27 75
Draft subd as per para 71. above.
Sec'y (-D) 6/8

OFFICE OF THE THIRD MEMBER OF COUNCIL. 7 AUG. 1927 No. 98

75 Draft may be appd
3rd Mem'r Refce para 71.
6/8 6.8

Should be stated if Secy of St's views Speaks the about this case.
CSR 7/8.
8/8

Subd personally to 3rd member.
The marked Mr draft to be Scrutinized so as to make it clear that the R.S.P's interview the prisoners in the Jail before release and so as not to Compel the prisoners being taken returned to go to the R.S. P's office
8/8 29/8

OFFICE OF THE THIRD MEMBER OF COUNCIL. 9 SEP. 1927 No. 2072

Subd with para 7 of the draft added to in pencil, for consideration
8/9 8/9
Draft has been added to as instructed
Draft appd 3rd member 9/9
CSR 10/9 10/9

NOTE—Contn. sheet.

WD 0324 -GPB—60,000—24 5-27

175-L-5

21

App. F. III—2]

General and Revenue Secretariat. 86 File No. 77 of 1927.

Serial No.

May the order be

(1) printed ?
(2) treated as a S.O. ? } yes
(3) Placed at the disposal of the Press ?
(4) translated ?
(5) - Published in gazette
(a) English Part:
(b) Kannada Part } No

B
12/9/27
AR 12/9

B
12/9

1 To The Dy Z Prisons
The Dr magte z Mysore & Bore
The Registr chief Court.
The Dy Z Police

B.

ROP 1754-8 D 29.9.27,
Passes orders be the execution z warrants against Prisoners by the Jail authorities

NOTE—Contn: sheet

WD 0324—GPB—60,000—24-5-27

29893

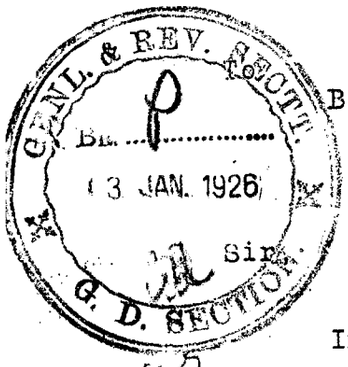
283

No. C.907/25-26.J.

Office of the Deputy Commissioner,
Mysore District.
Dated, Mysore, 9th January 1926.

From

A.V. Ramanathan, Esq., B.A.,
Deputy Commissioner,
Mysore District.



To

B. Nagappa, Esq.,Bar-at-Law.,
Secretary to the Government of Mysore,
Local & Legislative Departments,
Bangalore.

Sir,

In reply to your letter No.P.2916 dated 9th December 1925 regarding the surrender of Mallai Gowda to the Sub Divisional Magistrate, Kollegal, I have the honor to state that the Superintendent of Mysore Jail reports that there are other cases pending against him in the Special 1st Class Magistrate's Courts at Nanjangud and Hassan and that on the disposal of these cases, reference will at once be made intimating that the prisoner is available for extradition.

I have the honor to be,

Sir,

Your most obedient servant,

For District Magistrate,
Mysore District.
(Absent from Station).

A.N.

From

The Deputy Commissioner
Mysore District

To

The Secretary
to Government,
Local & Legis.
Departments,
Bangalore.

Dated, 9th January 1926.

Despatched.

No. C.907/J.25-26.

Subject:-

Submits information re the surrender of MallaiGowda to the Sub Divisional Magistrate, Kollegal.

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 27/1/26

Signed by Asst B. N.

List of enclosures.....

Copied by ... 27/1

Examined by.....

Section

File No.

Seria No.

No. Pol. 616

To The Secretary to the Resident

Sir

With reference to the correspondence ending with your endorsement no 638/SHLA-1900 dated 21-1-1926 ~~4-12-1925~~ re the surrender of Mallai Jowda to the Subdivisional magistrate Kollegal, I am directed to state that the Dist. magistrate reports that there are other cases pending against Mallai Jowda in the Special First class magistrate's Courts at Ranganathaswamy and Hassan and that on the disposal of these cases, reference will be made intimating that the prisoner is available for extradition.

I have etc

over

WD 0562—GPB—31,000—17-8-25

19.1.26

1911

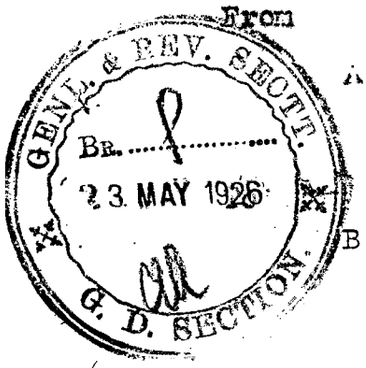
4947 6

3 4499 Pg 25

C907/J25-26 Enclosure.

Office of the Deputy Commissioner,
and District Magistrate.
Mysore District.

Dated Mysore, 21st May 1926.



From

A.V. Ramanathan, Esq., B.A.,
Deputy Commissioner, and District
Magistrate, Mysore District.

To

B. Nagappa, Esq., Bar-at-law.,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

Sir,

In continuation of this office No.C.907 of 1925-26 dated 27-4-26, I have the honour to state that the Special Ist Class Magistrate, Hassan replied to this office reference No. C.907/25-26 dated 27-4-26 that the accused Malla was in British Territory and that the cases against him are pending extradition proceedings and eventual surrender of the accused.

Enquiries were made of the Superintendent, Mysore Jail in this office No. C. 907 dated 4-5-1926 as to whether the prisoner was handed over in due time to the Assistant Superintendent of Police, Mysore City for being escorted to the Special Magistrate's Court at Hassan. The Superintendent, Mysore Jail replied in his No.290 dated 20-5-26 that the prisoner was handed over on 1-4-26 to the City Police Sargent Venkata Swamy and Police Constable Nos. 295 and 158 for production before the court of the Special Ist Class Magistrate, Hassan. For verifying this, ~~Offices~~ the Assistant Superintendent of Police Mysore was addressed in this office No. C. 907 dated 11-5-26. The Assistant Superintendent of Police reported in reply that the Sergeant and the Police Constables referred to above were not at all informed by the Jail authorities that the ex convict had to be produced before the Hassan Special Magistrate and that the ex convict was sent to Mysore Taluk in the usual course for being shadowed.

The Assistant Superintendent of Police also reported that he got information on the 3rd April 1926 from the Special

From

The Deputy Commissioner,
Mysore District.

To

The Secretary to Government,
Bangalore.

Dated } 28-5-26
Despatched.

Received.

No C 207

Encl. Paper

Subject.

Survival of Malla &
Kollegal Subdivision Magis

Special Magistrate, Hassan that the ex-convict had to be produced before him for trial. As the ex convict had two days before, been sent to Mysore Taluk police for being shadowed the warrant received from the Magistrate was sent to the Mysore Taluk Inspector for rearresting the said Malla.

From the subsequent enquiries instituted in the Mysore Taluk Police Office, it was learnt that as the ex convict had already departed from Mysore State limits and the warrant was returned unexecuted stating that the individual was in Kuntur Mole, Kollegal Taluk and was undergoing trial for a case under section 420 I.P.C. in Kollegal Taluk and was on bail.

As the accused Malla is now reported to be in Kuntur Mol Kollegal Taluk, the District Magistrate, Hassan District may be kindly addressed to take action for procuring his extradition to the Court of the Special Ist Class Magistrate at Hassan for trial.

Copies of letters No. 210 dated 10-5-26 from the Superintendent, ~~xxxxxxxx~~ Mysore Jail, and D2 Dis. 578 dated 13th May 1926 from the Assistant Superintendent of Police, Mysore City are enclosed for reference. The enclosures to your letter No.P.2916-cts dated 9-12-25 are also returned.

I have the honour to be,

Sir,

Your most obedient servant,

G Narayana Rao

Deputy Commissioner, & Dt. Magistrate Mysore District.

S.G.

Letter No. 290, dated 6-5-26, from the Superintendent, Mysore Jail, Mysore, to the District Magistrate, Mysore District.

With reference to this Office No. 218 dated 30-3-26 giving cover to this Office No. 216 dated 30-3-26 to the Special 1st Class Magistrate, Hassan and in reply to your Office No. 907/J.25-26 dated 4-5-26, I have the honor to state that Ex-convict No. 3891 Malla whose term of imprisonment terminates on 1-4-26 was sent day, duly handed over to a full escort of Police (1 Officer in mufti, 1 Officer Nail No. 295 Khas Ali and 1 Constable No. 152 Subbaiya in uniform) who were sent from the Office of the Assistant Superintendent of Police, Mysore City to take charge of the prisoner plus the constable who had taken the prisoner from the Jail Release (P. No. 3 Choik Muniyappa). This escort of Police have duly signed the Jail "Register of Prisoners handed over to Police for production before Court" in token of having received the prisoner into their custody for production before the Court of the Special 1st Class Magistrate, Hassan. The escort have also taken with them the warrant of commitment of the District Magistrate, Mysore for the production of the prisoner before the Collegal Magistrate Court.

"Copy"

For District Magistrate,

Mysore District.

Mail

Letter No. D.2.Dis.578/25-26, dated 13th May 1926, from the Assistant Superintendent of Police, Mysore City, to the Deputy Commissioner, Mysore District, Mysore.

With reference to your No. C. 907 dated 11-5-26 forwarding a copy of a letter of the Jail Superintendent, Mysore regarding the Ex-convict No. 3801 Malla for not producing before the Special First Class Magistrate, Hassan etc., I have the honour to report that a City Police Constable is always deputed to go to the Jail to take charge of the released Convicts.

On 1-4-26 Police Constable No. 295 Abbas Alli was sent to the Jail by the Office Sergeant to bring the released Convicts. Accordingly Malla and Nanjaiah were brought from the Jail and Malla was sent to Mysore Taluk Police for being shadowed. Subsequently on 3-4-26 an Official communication was received from the Special First Class Magistrate, Hassan, with a body warrant to Malla requesting to arrest him when he is released from the Jail and to produce him before the Court.

As ex-convict Malla had already been released and sent to Mysore Taluk Police on 1-4-26 the body warrant was sent immediately to Mysore Taluk Police and the same intimation was given to the Special First Class Magistrate, Hassan.

Police Constable No. 295 Abbas Alli was examined. He states that he was not at all informed by the Jail authorities to produce the ex-convict Malla before the said Court, and as usual he has signed a register for having taken charge of the ex-convict, and that he knows a little of Kanarese and -- Hindustani.

Police Constable No. 158 Subbiah and Naik No. 3 Sheik Ebrahim who had been with Police Constable No. 295 to the Jail also corroborate the statement of Police Constable No. 295.

Sergeant Venkatasami Naidu who is in charge of this duty states that there was no information for him about the ex-convict Malla to be produced before the Special First Class Magistrate, Mysore and that as usual he was sent to Mysore Taluk Police for being shadowed. Their statements have been herein enclosed for kind perusal.

In all such cases the Jail authorities used to write to me before hand officially about the date of the release of such ex-convicts. In this case no reference has been received by the Jail authorities and no escort was sent from here.

I have spoken to the Jail Superintendent about this in-person also.

8

Letter Ref. No.11156/25-D.3 dated 24th November 1925 from the District Magistrate, Coimbatore, to the Hon'ble the Resident in Mysore.

Extradition - Mallai Gowda.

I have the honor to enclose herewith a copy of the complaint in C.C.No.34 ~~xxxx~~ of 25 on the file of the Sub Divisional Magistrate, Kollegal, and request that the accused Mallai Gowda, mentioned therein, may be surrendered to the Sub Divisional Magistrate, Kollegal at an early date. He is a native of Kuntur Kolai, Kollegal Taluk, Coimbatore District; but is reported to be now undergoing trial before the Avuldar Magistrate, Telandur, for an offence under sections 457 and 380 I.P.C.

" C O P Y "

For Secretary to Government,
Local and Legis.Deptts.

KNN

Encl. to Def
11156/25-D3
D/24 11/25

To the Hon'ble the Resident in Mysore

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 31/5/26

Signed by Asst B.N.

ISSUE & RESUBMIT.

List of enclosures..... to.....

Copied by.....

Examined by.....

Section

File No.

Seria No.

No. Pol. 1111

To The Secretary to the Resident

Sir

With reference to your endorsement no: 3356/542 A - 1900 & 15: 4-1926 forwarding a copy of letter no 11156/25-D-3 & 9-4-26 from the D.M. Coimbatore enquiring when the prisoner Mallai gonda may be expected to be surrendered to the Asst Sessional Magistrate, Kollegal, I am directed to state that it is reported that the accused Mallai gonda was by mistake sent to the Mysore Jail Police for being shadowed, ~~on 1-4-26~~

over

instead of being surrendered
to the Special Magistrate, Hassan,
that he escaped into British territory and
that he is now stated to be on bail and
undergoing trial
for an offence under section 420 IPC
in Kollegal Taluk and is on bail.
~~and the circumstances stated in the warrant~~ confirmed received with your
~~endorsement no. 4875/5,2,1-1900~~)
~~1-12-1924 is returned herewith~~
~~unexecuted~~

Thanking you

31/8

Yours sincerely

B/
28/8/24

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section C5

File No. 85.26

Diary No. of letter replied to.....

Seria No. 1

No. P6240.

To The I. G. of Prisons.

General and Revenue Secretariat

( )

the 192

Sir,

Date of issue 10/6/26

I am directed to state that one Mallai Gowda who was under sentence of imprisonment in the Mysore jail ~~was~~ and who was to be produced before the Special Magistrate, Hassan, was released by the jail authorities on 1-4-26 and the city police who took charge of the prisoner sent him to the Dalvik police for being shadowed in compliance with a warrant issued by the latter

Signed by M Reg.

List of enclosures.....

Copied by DR/VR

Examined by.....

The ex convict thereafter managed to ~~The prisoner~~ escape into Portuguese territory. ~~Further~~ The

over

14

jail authorities throw the blame on the police and the police on the jail. Govt observe that some disciplinary action is called for against the persons at fault because and propose that the D.M. Mysore should hold an enquiry in the matter. I am to enquire whether you have any objection to the proposed enquiry and if not to request you to kindly give all facilities to the D.M. to hold the enquiry. An early reply is requested

Thanks &c

sd/- Illegible

for not having produced the the man before the Hon'ble Magte, Hassan.

with a view to find out whether it is the jail or the Police that is to blame and submit a report for the orders of Govt.

As the Mysore Jail is not under the Dr Magistrate, I am to request you to kindly state, whether you have any objection to the proposed enquiry and to the necessary facilities being given to the D.M. should it.

An early reply is requested

3/6/26
for Illegible

4911/P

No. C35

Enc...

Office of the Inspector General of Prisons
in Mysore,

Camp, Mysore, dated the 23rd June 1926.

15

CS 85-26-2

From

B. Mahomed Usmon, Esq., L.M. & S.,
Inspector General of Prisons in Mysore,
Camp, M Y S O R E.

To

B. Nagappa, Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments, Camp, Mysore.

Sir,

With reference to your No. P. 6240/Cts. dated the 10th June 1926 regarding the escape of a convict who was released from the Mysore Jail and made over to the City Police, I have the honor to state that so far as the regularity or otnerwise of the action of the Mysore Jail, the actual circumstances of the release &c., are concerned, I shall myself hold a enquiry and submit my report to Government.

I have the honor to be,

Sir,

Your most obedient servant,

M Mamood

Inspector General of Prisons.

a.r.m.

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 192

Date of issue 22/7/26

Signed by W Copy.

List of enclosures.....

Copied by

Examined by

Confidential

Section C5
File No. 85.26
Serial No. 3

No. 6193

To

The D.M. Mysore

Sir

With reference to the correspondence ending with your letter no C 907/J 25.26 & 21.5.26 regarding the release of accused Malla without being surrendered to the Special First class magistrate Hassan, I am directed to observe that ~~a serious mistake has been committed and that some disciplinary action~~ the Jail authorities throw the blame on the police and the police on ~~the~~ Jail ~~accuse~~ the prison authorities. Some disciplinary action against the persons at fault is called for. I am therefore

~~Copied by~~ ~~Examined by~~ ~~Observe that some person having produced the accused before the Spl magte, Hassan. Govt~~

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to request you to hold an enquiry at an early date into a matter with a view to find out who is responsible for the omission ~~the fail of the police that is to blame~~ and submit a report through the D.I.G. of Prisons for the orders of Govt. The D.I.G of Prisons has been requested to give all facilities to you in the matter to hold the enquiry.

Yours etc

Sd. Illegible

9.7

memo No 194 dy 12/7/46

Copy to D.I.G of Prisons for information with the request that facilities may be given to the Dist. to hold the enquiry and forward the report. He may also be present at the visites during the enquiry with reference to your letter no C-35 dy 28/6/46,

B. O

Illegible

By 9/7/46 Govt 9/7

Confidential

No. H.e.907/25-26 [illegible] Office of the District Magistrate,
Mysore District.
Dated, Mysore, 2nd September 1926.

From

A.V. Ramanathan, Esq., B.A.,

District Magistrate,

Mysore District.

To

B. Nagappa, Esq., Bar-at-Law.,

Secretary to the Government of Mysore,

Local & Legislative Departments,

Bangalore.

Through

The Inspector General of Prisons in Mysore,
Bangalore.

Subject:- MYSORE JAIL-ENQUIRY - RELEASE -EX-CONVICT MALLA.

Sir,

With reference to your letter No.P.193/Cts. dated 12th July 1926 stating that in the matter of the release of ex-convict Malla from the Mysore Jail on 1st April 1926 without being surrendered to the Special 1st Class Magistrate, Hassan, an enquiry may be held with a view to disciplinary action being taken against the officials at fault, I have the honor to state that I examined 4 Police and 8 Jail officials who were concerned in the affair in the Mysore Jail on 23rd July 1926, in the presence of the Superintendent, Mysore Jail and the Assistant Superintendent of Police, Mysore City. The statements of the persons who were examined as witnesses as well as the detailed reports received from the Jail Superintendent and the Assistant Superintendent of Police, Mysore City, and the explanation submitted by Mr. Wright, the Chief Jailor and the remarks of the Assistant Superintendent of Police thereon are also enclosed.

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2. The facts of the case prior to the actual release of exconvict Malla which are borne out by the records may be first set out in order to enable a just appreciation of the evidence regarding the responsibility of each of the officials concerned.

While Malla was undergoing a sentence of 6 months' rigorous imprisonment passed by the Amildar Magistrate, Yelandur, a communication was received from you (P.2916-2 Cts. dated 9-12-1925) advising the surrender of the prisoner Malla to the Sub Division Magistrate, Kollegal. The papers were sent to the Superintendent, Mysore Jail, for needful action; but they were returned with the intimation that the prisoner had other cases pending against him in the Ist Class Magistrate's Court, Nanjangud and Hassan and that he could not therefore be surrendered, and that the above facts were also brought to the notice of the Kollegal Magistrate. Accordingly a report was submitted to Government in this office No.H.C.907/25-26 dated 11th January 1926.

4 on 1-12-25

3. The prisoner was then sent by the Jail Superintendent to the Court of the Special 1st Class Magistrate, Nanjangud, and in the course of trial in that Court, the sentence of 6 months' imprisonment awarded by the Yelandur Magistrate was quashed in appeal by the City Magistrate, Mysore. Malla was again convicted by the Nanjangud Special Magistrate to two months rigorous imprisonment on 1-2-1926.

The Special 1st Class Magistrate, Hassan wrote to the Superintendent, Mysore Jail, in his No.125 dated 12-3-1926, complaining that warrants which were being issued by him for the production of Malla and another in his Court, were returned for one reason or another and that as 4 cases were pending from a long time the accused may be arranged to be produced in his Court, the Assistant Superintendent of Police, Mysore City, being asked to supply the necessary escort.

4. Prisoner Malla was due to be released on 1st April 1926 and the Superintendent, Mysore Jail wrote to the City Magistrate, Mysore on 30-3-1926, enquiring whether the case pending in his Court against Malla was disposed of and got a reply stating that the accused was discharged. On the same day, the Superintendent sent a communication (No.216 dated 30-3-26) to the 1st Class Magistrate, Hassan, stating that "prisoner Malla will be released on expiry of sentence on 1-4-1926 from the Jail" and that "arrangements may kindly be made with the Assistant Superintendent of Police, Mysore to take delivery of the prisoner on the date of release" and sent also a copy of the above communication to me for the issue of a warrant. But unfortunately the copy addressed to me was received only on 3-4-1926 as the date stamp and my remarks on the paper made at the time show, and no warrant could be issued from my office as the prisoner was already enlarged from Jail and his whereabouts were not known to my office.

The 1st Class Magistrate, Hassan, who however got the Superintendent's communication on 1st April 1926, sent a letter to the Assistant Superintendent of Police, Mysore intimating that prisoner Malla who was arranged to be released from Mysore Jail on 1-4-1926 might be arrested and sent to the Court. This reached the A.S.P. on 3-4-26 by which time the ex-convict was sent to the Mysore Taluk under surveillance and intimation was accordingly given to the Mysore Taluk Police, who also finding that the prisoner had left the Taluk limits sent intimation to the Yelandur Taluk. The Police Inspector, Yelandur, reported that Malla was sent under surveillance to his native place Kuntur Mole in Kollegal Taluk on 1-4-1926 on which day he was sent from Mysore and that he was undergoing trial in connection with a case under Sec.420 I.P.C. in the Kollegal Court.

5. From the above, it is clear that after his release from jail on 1-4-1926, prisoner Malla was not allowed to escape, but was taken to his native place and left there by the Police, and consequently no dishonest intention can be attributed to any of the officials. The failure to arrest him immediately after his release from Jail was entirely due to mistakes in procedure and my enquiry was therefore confined to finding out what those mistakes were and to what extent each of the officials concerned was responsible.

6. The contentions of the Jail authorities are (1) that there was a case pending against prisoner Malla in the City Magistrate's Court and it was disposed of only on 29th March 1926 and therefore no action could be taken before 30-3-1926, (2) that on that day (30-3-26) necessary precautions were taken by sending intimation to the Hassan 1st Class Magistrate and to this office about the impending release of prisoner Malla on 1-4-1926; (3) that no written intimation was sent direct to the Assistant Superintendent of Police, Mysore City, as the Court concerned had informed them that a requisition was sent to the A.S.P. Mysore, in the matter, (4) that the Deputy Jailer handed over prisoner Malla to a full escort of Police having got them by sending a telephone message to the A.S.P.'s Office Mysore, and explained to the Police escort that the accused had cases pending against him in the Hassan and Kollegal Courts, and (5) that the signature of the Policemen who formed the escort was taken to the endorsement in the Jail Register in token of their having taken charge of the accused Malla with a full knowledge of the facts relating to cases pending against him.

7. As already mentioned in para 4 above, it is true that the case which was pending against the accused Malla was disposed of by the City Magistrate on 29th March 1926 and the Jail Superintendent was therefore right in saying that he could not

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could not take any action before 30th March 1926.

It is also true that the Jail Superintendent took necessary precautions in giving intimation about the impending release both to the 1st Class Magistrate, Hassan and to my office, though effective action for the arrest of the accused could not be taken, either in my office or by the Assistant Superintendent of Police, Mysore, for reasons explained in para 4 above. The Chief Jailer would have done well if on 1-4-1926 not finding any response to his letter he had sent a man to me or to my office and made sure that he was taken on to Kollegal. Instead of this he took the course of handing over the released convict to Police subordinates. Knowing that the Hassan Magistrate had already sent a requisition for Police escort to the A.S.P.Mysore, it would have been in the fitness of things of the Jail authorities had sent direct intimation to the A.S.P. Mysore also to arrest the prisoner Malla on his release from jail on 1st April 1926. This leads to point No.3 in the contention. The Assistant Superintendent of Police, Mysore, says that in all such cases the jail authorities used to send him previous intimation in writing so as to enable him to depute a Sub Inspector of Police for arresting the convict after release from jail and produces exhibit 4 and exhibit 5 in support of his statements. Exhibit 4 is a clear intimation to the Assistant Superintendent of Police, Mysore, of the intended release of prisoner Sanna, Ella alias Ellojirao who had a case pending against him in the Bench Magistrate's Court, Belure, and columns 4 and 5 of Exhibit 5 show that accused Kulliah referred to therein was arrested on receipt of intimation from the Jail Superintendent in his letter No.436 dated 12-6-1925. The Chief Jailor who was questioned on the point stated that exhibit 4 relates to a case in which the accused had to be released on receipt of a sudden order from the Chief Court and the Police

Police had no means of knowing of the release and hence intimation was given and that in the present instance no communication was sent as the court concerned had already written to the Assistant Superintendent of Police and the prisoner was also handed over to the full escort of police for being taken to the Assistant Superintendent of Police, Mysore, for needful action.

But in this case also the Assistant Superintendent of Police could have no knowledge that the prisoner to be released on 1st April 1926 was the man about whom the court had previously written. No warrant was then pending with him for the production of Malla in the Hassan Court. The question of escort has no bearing. Exhibits 4 and 5 would appear to indicate that written intimation used to be sent to the Assistant Superintendent of Police in cases where he would have had no previous knowledge of the prisoner's release. The Chief Jailor's differentation of the present case as one in which the Assistant Superintendent ofPolice should be presumed to have had previous knowledge of the release is not consistent with facts. The telephone message also said to have been sent to his office was not received by the Assistant Superintendent of Police nor was it communicated to him by anyone in office. It is not alleged that anything more was communicated by telephone than an indent for full escort. The Assistant Superintendent of Police cannot therefore be held responsible for the release.

In view of the previous practice and considering the gravity of the situation my finding is that the Chief Jailor would have exercised his discretion properly if he sent a written communication to the Assistant Superintendent of Police with the escort about the Hassan cases and the extradition warrants pending against him and requested the arrest of the man.

8. The next point to be considered is about the handing over of the ex-convicts Malla and another to the Police escort and the instructions said to have been given to the escort regarding pending cases against Malla. The Deputy Jailor in his statement before me says that after the arrival of the full escort he handed over the prisoners and informed the escort that "Malla had cases pending". He says also " I satisfied myself that they understood my instructions; only the entry in Exhibit 1 was read out in my presence". Gate Keeper Subba Rao says that he read out the entry, Gate Duffedar Thimmaya says that the Deputy Jailor himself read out Ex.1; while all the three police constables who formed the escort deny that any instructions were given to them and say that Ex.1 and 2 were never read out to them when they affixed their signatures. They are illiterate men who cannot read Kannada. They went to the jail for receiving charge of prisoners released from jail and they had no motive to with-hold from the Assistant Superintendent of Police any information which might have been communicated through them. The evidence of Alladin Mekri Record Keeper and Krishnappa Ward Clerk, shows that the endorsements 1 and 2 were written long before the escort put in their appearance in Jail. The statements of Subba Rao and Thimmaya contradict each other and the statements of both are inconsistent with that of the Deputy Jailor. A perusal of Exhibits 1 and 2 shows that the presence of the Reserve men is ignored. If the endorsements had really been read out, as is alleged to have been done by the Deputy Jailor, he and Subba Rao should have noticed the inappropriate expressions such as " ನಿಂದ ಕೂಡಿ ಆದರೆ ಕಾಗದ ಅವನ್ನು " and rectified them on the spot. The conflicting nature of the version in this simple matter, leads me to the conclusion that the story of the Deputy Jailor about his having given instructions to the Police Escort regarding cases pending against Malla is only an after-thought, to justify his conduct.

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9. The last point in the contention is about the signature of the police escort in the jail registers. The Police men who formed the escort ~~xxxx~~ deny that the endorsement Ex.1 and 2 were read out to them when their signature was taken. From the evidence it is seen that that the signatures of the three men were taken at different times and at different places. They are illiterate men who cannot read Kannada for themselves. For the above as well as for the reasons set forth in para 8 above which apply to this point also, the signature of the policemen cannot be presumed to show that they had knowledge of the facts mentioned in the exhibits, when they affixed their signature to them.

My finding as to what actually happened is therefore that the remarks were written and the signatures taken as a matter of routine and the necessity for greater precaution was not realised at the time, under the impression that the presence of an escort would lead the City Police office to take further action.

10. Coming to the Police version of the case it is already seen that no written communication about the release of Malla on 1st April 1926 and the need for rearresting him was received in a A.S.P's Office. The telephone message for the police escort sent by the Deputy Jailor was not received by him either. The monthly roll of prisoners to be released in April 1926 Ex.3 was received in the A.S.P.'s Office on 30-3-26, and from its perusal it is noticed that there ~~was~~ is no remark against the entries relating to Malla to indicate that he is either required to be produced in the Hassan Court or that extradition warrant was pending for his arrest. Thus the Assistant Superintendent of Police who is the only officer who could have taken prompt and effective steps to arrest the accused was left in the dark. He is not liable for the failure to produce accused Malla in the Hassan Court.

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11. Ex.convict Malla was brought to the Police office by Sheik Ebrahim and Subbaiyya of the Reserve Force and Constable Abbas Ali of the City Force. Sergeant Venkatasami Naidu who had sent only Constable Abbas Ali and who did not send the Reserve men for the purpose was present when Malla was brought before him by all the three policemen. He could well have enquired why the Reserve men formed the escort, by whom their services were requisitioned and for what purpose they were sent. VenkatasamiNaidu in his statement before me ~~xxxxxx~~ states that he had no previous intimation about Malla having cases in the Hassan Court of about any extradition warrant pending for his arrest and surrender in the Kollegal court, that he did not notice the presence of the reserve-men when Malla was produced, and that he therefore treated the incident as a matter of routine and sent Malla to the Mysore Taluk for being shadowed. But the Reservemen and Abbasali assert that they left Malla in Venkatasami Naidu's presence and that the Reservemen took his permission before they left the Station. It strikes me that Venkata sami Naidu did not speak out the truth for fear that he should be ~~lie~~ held answerable for his omission to enquire the special circumstances relating to Malla which necessitated the additional escort and to report the fact to the Assistant Superintendent of Police, but I am not prepared to hold that this constitutes failure of duty. It is at the worst lack of intelligence. There was no dishonest intention in his case either.

12. Accused Malla is now in Kollegal undergoing trial for the offence for which he was required and there are 4 cases pending against him in the Hassan Special Magistrate's Court. In order to secure his presence extradition proceedings have to be taken and I request that you will be pleased to arrange for intimation being given to the District MagistrateHassan, for instructing the

by

the Special 1st Class Magistrate, Hassan, to do the needful in the matter.

13. In conclusion I would suggest that in order to avoid such failures in future it is necessary to have a register opened in the Jail office for entering all the cases in which warrants are received for production in courts of prisoners who are undergoing imprisonment in Jail, and the Chief Jailor should be made responsible to see that all the warrants are executed before the convict is finally released.

It is no use returning warrants saying that the prisoner is required elsewhere on the date mentioned in the warrant. Similarly warrants (forms 68 and 78 Criminal) under the Prisoner's Testimony Regulation may be amended so as to require the production of the prisoner on a specified date or as soon thereafter as possible. Such a warrant would be in force until production of the prisoner in the court and difficulties like the one under report would be avoided.

Silimarly it is desirable to prescribe that the Assistant Superintendent of Police, Mysore and Bangalore Cities should personally interview and question all released convicts with a view to give special instructions ~~for~~ of the release of dangerous characters or take notes of interesting characters and notify ~~them~~ the same in the Police Gazette.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District.

A.N.

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APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section etc

File No. 85-25.

Serial No.

No. P-130 G Encl

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The D. I. of Prisons

Sir

Date of issue 15/9/26

Signed by M Reeves

I am directed to invite reference to this office memo no P 194 dt 12.7.26 re the inquiry to be held by the Dt. Magistrate, Mysore to find out the persons at fault for having released one prisoner Malla from the Mysore jail when a warrant from the Special First Class Magistrate, Hassan, was pending and to forward herewith for your remarks, the Mysore (and ephemeris)

List of enclosures.....

Dis letter no Ge 907/25-26 dt 2.9.26 (together with its enclosures) which has been sent through you and to get direct instead of over as addressed on the letter

Copied by.....

Examined by.....

WD 01265—GPB—31,000— 24-12-25

Grave etc

15/9/26 P-T O

cwj 14-9

Dr Hall

of the above is forwarded to the
Dy. Inspr. of Schs with the observation
that the letter should have report
should have been sent to the Insp
in the first instance and
who should have forwarded
to Govt with his remarks

copy of this above is forwarded to the Dy. Inspr.
B.O

Copy

Copy
[illegible]

13/9/26

C.D. 23 p 26

1752 p 30/26

No. 1627/80-26 Copies of the Inspector-General of Prisons

in Mysore,

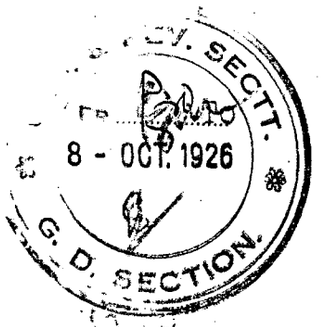
Dated Bangalore, 8th October 1926.

From

Dr. B. Mahomed Usmon, L.M.S.,

Inspector-General of Prisons

in Mysore, Bangalore.



B. Nagappa, Esqr., Bar-at-law.,

Secretary to the Govt: of His Highness the

Maharaja of Mysore, L.& L. Depts., B'lore.

Sir,

With reference to your letter No. P. 1306/Cts, 85-26-5 dated the 15th September 1926 forwarding for my remarks the report of the District Magistrate of Mysore District in re: the enquiry held by him to find out the persons at fault for having released one prisoner Malla from the Mysore Jail when a warrant from the Special First Class Magistrate, Hassan, was pending, I have the honour to state that the unfortunate situation seems to me to have arisen almost wholly from the circumstance of the enquiry which was proceeding against the prisoner in the City Magistrate's Court, Mysore, having terminated in a sentence of discharge, just a day before the date on which he was due to be released from the Jail on a previous count. In the single day that remained, it was obviously impossible to make a communication to the 1st Class Magistrate, Hassan, and get a warrant for the further detention of the prisoner. On the other hand, the Superintendent, had no authority himself, in the absence of a fresh warrant, to detain the prisoner a single hour beyond that covered by the judicial sentence. The only course left open to telephone to the Police for an adequate escort and hand the prisoner over to them for furth necessary action.

2. It is objected that the Chief Jailor should have written a chit or made a formal communication to the Assistant Superintendent of Police instead of sending a telephone message t

his Office. But it must, I think, be conceded that the telephone is much the quicker means of arranging for business of this sort: otherwise the installation of telephones in Government Offices and Institutions would be bereft of any meaning.

3. The sets of statements made by the Police and the Jail Staffs are each in complete justification of the action of the Department concerned - as all statements made sometime after the event, with due deliberation as to the pros and cons involved, must be expected to be. As against the statements, there are the outstanding facts that a special escort was sent for and obtained to take possession of the prisoner and that the entries, recorded in the Jail Registers at the time and duly attested by the Police refer to cases pending elsewhere against prisoner Malla. I cannot admit that a Police constabulary staff - specially summoned,- whose attitude should be one of alertness needed a repeated dinning of caution in their ears lest the prisoner might slip away from their hands. The plea of illiteracy and ignorance cannot, I think, hold absolutely.

4. In conclusion, it is clear that there was no dishonest intention whatsoever on the part of either Department. I agree with the Deputy Commissioner as to the need for revising the precedure so that a warrant once issued should remain in force until production of the prisoner in the Court. This fixes responsibility and mistakes of the kind that has now occurred cannot take place. I would also support the suggestions as to (1) the maintenance of a register in the Jail for entering cases in which warrants are received for execution and (2) the personal interview of all released convicts by the Assistant Superintendents of Police, Mysore and Bangalore Cities.

The enclosures received with the above are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

W Hamond

INSPECTOR-GENERAL OF PRISONS.

avl./5-10.

32

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

S.O

Ck.77-27-1

Read--

Correspondence ending with letter No.C.907 dated 21st May 1926 from the Dist. Magistrate, Mysore, explaining the circumstances under which the prisoner Malla was released by the Superintendent, Mysore Jail on 1-4-1926 without surrendering him to the Special First Class Magistrate, Hassan.

(2) Letter No.193/Cts 85-26-3 dated 12-7-1926 from the Secy.to Govt,L& L Depts directing the D.M.Mysore to hold an enquiry into the matter.

(3) Letter No.H.C.907/25-26 dated 2nd September 1926 from the D.M.Mysore, forwarding a report on the subject with certain proposals to avoid such failures in future.

(4) Letter No.1627/80-26 dated 8-10-26 from the I.G. of Prisons with his remarks.

O r d e r, No. 1754-8 Records

Dated, Bangalore, the, 29/9/27

1) The prisoner Malla ~~was first~~ sentenced to 6 months R.I. by the Amildar Magistrate, Yelandur in December 1925 and while he was undergoing this sentence in Mysore Jail, he was sent to Nanjangud for trial in another case pending against him. In the course of his trial at Nanjangud the prisoner's sentence of six months award-

by the Yelandur Amildar Magistrate, was quashed on appeal by the City Magistrate, Mysore and he was sentenced to 2 months R.I. by the Nanjangud Special Magistrate on 1-2-1926.

2) The Special First Class Magistrate, Hassan issued warrants for the production of Malla in connection with four cases against him pending ~~against him~~ on his file from a long time, the A.S.P. Mysore City, being asked to furnish the necessary escort. But the accused was not produced before the Hassan Magistrate, since a case was pending against him in the city Magistrate's Court, Mysore. The sentence of 2 months passed on the accused by the Nanjangud Magistrate, expired by 1-4-1926 and the case in the City Magistrate's Court, Mysore ended in the discharge of the Prisoner on 30-3-1926. The Superintendent Mysore Jail immediately after the case in the city Magistrate's court was over, sent a communication to the Special Magistrate, Hassan, intimating that the prisoner would be released on 1-4-1926 and that arrangements might be made with the A.S.P. Mysore to take delivery of the prisoner on the date of release and sent also a copy of the letter to the D.M. Mysore for the issue of a warrant before whom however, received it on 3-4-1926. The Special Magistrate, Hassan sent a requisition to the Court at Mysore and he, to the A.S.P. who however received it on 3-4-26. Meanwhile as no warrant was received in the Jail on the date of release, the Superintendent, Mysore Jail, in the absence of a warrant could not detain the prisoner and he therefore handed him over

to the police for further necessary action.

The prisoner was escorted by the police who allege ignorance of the warrant of the Spl.Magistrate, Hassan and was left in his village in Kollegal Taluk,

3) The statements made by the police and the Jail staff in the course of the enquiry held by the D.M. Mysore, justify their action and it appears that there was no dishonest intention whatsoever on the part of either department and that the failure to arrest Malla immediately after his release from the Jail was mainly due to the defects in the procedure adopted. The District Magistrate, Mysore has made the following suggestions with a view to avoid such failures in future:

(i) A Register should be opened in the Jails for entering cases in which warrants are received for production of prisoners who are undergoing imprisonment in the Jail and the Chief Jailor should be made responsible to see that all the warrants are executed before the convict is finally released.

(ii) Forms Nos.68 and 69, Criminal under the Prisoners Testimony Regulation should be amended so as to require the production of the prisoner on a specified date or as soon thereafter as possible as such a warrant will be in force until the prisoner is produced in court.

(iii) The A.S.P's of Mysore and Bangalore cities should personally interview and question all released convicts, with a

view to give special instructions regarding the release of dangerous characters or take notes of interest -ing characters and if necessary to notify the same in the Police Gazette.

4 The above suggestions are agreed to by the Hy Person.

5. Government approve of the -- suggestion for the maintenance of the Register for entering cases in whichx warrants are received for production of prisoners and the I.G. of Prisons is requested to issue suitable instructions in the matter.

The revision of the Forms Nos. 68 and 69 Criminal under the Prisoners' Testimony Regulation involves the amendment of the Regulation and separate orders will be passed on this suggestion.

7. Government also approve of the third suggestion re the personal interview with released convicts by the Assistant Superintendents of Police of Bangalore and Mysore Cities and direct that the interview should be before release of prisoners and should be invariably held in the case of prisoners who have been imprisoned for long terms and ~~with~~ of prisoners who have been convicted more than once. The

in the jail premises

6.8

Secretary to Govt.,
Law Department.

To

The I.G.of Prisons.
" Dt.Magtes of Mysore & Bangalo
" Registrar, Chief Court

Copies to Police & Prisons Sections.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No P. 1754-8—Cts. 77-27-1, dated 29th September 1927.

Execution of Warrants Against Prisoners.

Passes orders *re* the —— by the Jail Authorities.

READ—

Correspondence ending with letter No. C. 907, dated 21st May 1926, from the District Magistrate, Mysore, explaining the circumstances under which the prisoner Malla was released by the Superintendent, Mysore Jail, on 1st April 1926, without surrendering him to the Special First Class Magistrate, Hassan.

(2) Letter No. 193—Cts. 85-26-3, dated 12th July 1926, from the Secretary to Government, Local and Legislative Departments, directing the District Magistrate, Mysore, to hold an enquiry into the matter.

(3) Letter No. H. C. 907—25-26, dated 2nd September 1926, from the District Magistrate, Mysore, forwarding a report on the subject with certain proposals to avoid such failures in future.

(4) Letter No. 1627—80-26, dated 8th October 1926, from the Inspector-General of Prisons with his remarks.

ORDER NO. P. 1754-8—CTS. 77-27-1, DATED 29TH SEPTEMBER 1927.

The prisoner Malla was first sentenced to six months' rigorous imprisonment by the Amildar-Magistrate, Yelandur in December 1925 and while he was undergoing this sentence in Mysore Jail, he was sent to Nanjangud for trial in another case pending against him. In the course of his trial at Nanjangud the prisoner's sentence of six months awarded by the Yelandur Amildar-Magistrate, was quashed on appeal by the City Magistrate, Mysore, and he was sentenced to two months' rigorous imprisonment by the Nanjangud Special Magistrate on 1st February 1926.

2. The Special First Class Magistrate, Hassan, issued warrants for the production of Malla in connection with four cases against him pending on his file from a long time, the Assistant Superintendent of Police, Mysore City, being asked to furnish the necessary escort. But the accused was not produced before the Hassan Magistrate, since a case was pending against him in the City Magistrate's Court, Mysore. The sentence of two months passed on the accused by the Nanjangud Magistrate, expired by 1st April 1926 and the case in the City Megistrate's Court, Mysore, ended in the discharge of the prisoner on 30th March 1926. The Superintendent, Mysore Jail, immediately after the case in the City Magistrate's Court was over, sent a communication to the Special Magistrate, Hassan, intimating that the prisoner would be released on 1st April 1926 and that arrangements might be made with the Assistant Superintendent of Police, Mysore, to take delivery of the prisoner on the date of release and sent also a copy of the letter to the District Magistrate, Mysore, for the issue of a warrant and he, however, received it on 3rd April 1926. The Special Magistrate, Hassan, sent a requisition to the Assistant Superintendent of Police who however received it on 3rd April 1926. Meanwhile as no warrant was received in the Jail on the date of release, the Superinten dent, Mysore Jail, in the absence of a warrant could not detain the prisoner and he therefore handed him over to the police for further necessary action. The prisoner was escorted by the police who allege ignorance of the warrant of the Special Magistrate, Hassan, and was left in his village in Kollegal Taluk.

3. The statements made by the police and the Jail Staff in the course of the enquiry held by the District Magistrate, Mysore, justify their action and it appears that there was no dishonest intention whatsoever on the part of either department and that the failure to arrest Malla immediately after his release from the Jail was mainly due to the defects in the procedure adopted. The District Magistrate, Mysore, has made the following suggestions with a view to avoid such failures in future.

(i) A register should be opened in the Jails for entering cases in which warrants are received for production of prisoners who are undergoing imprisonment in the Jail and the Chief Jailor should be made responsible to see that all the warrants are executed before the convict is finally released.

(ii) Forms Nos. 68 and 69, Criminal, under the Prisoners' Testimony Regulation should be amended so as to require the production of the Prisoner on a specified date or as soon thereafter as possible as such a warrant will be in force until the prisoner is produced in court.

(iii) The Assistant Superintendents of Police of Mysore and Bangalore Cities should personally interview and question all released convicts, with a view to give special instructions regarding the release of dangerous characters or take notes of interesting characters and if necessary to notify the same in the Police Gazette.

4. The above suggestions are agreed to by the Inspector-General of Prisons.

5. Government approve of the suggestion for the maintenance of the register for entering cases in which warrants are received for production of prisoners and the Inspector-General of Prisons is requested to issue suitable instructions in the matter.

6. The revision of the Forms Nos. 68 and 69, Criminal, under the Prisoners' Testimony Regulation involves the amendment of the Regulation and separate orders will be passed on this suggestion.

7. Government also approve of the third suggestion *re* the personal interview with released convicts by the Assistant Superintendents of Police of Bangalore and Mysore Cities and direct that the interview should be in the Jail premises before the release of prisoners and should be invariably held in the case of prisoners who have been imprisoned for long terms and of prisoners who have been convicted more than once.

R. RANGA RAO,
Secretary to Government,
Law Department (in charge.)

To—The Inspector-General of Prisons.
The District Magistrate of Mysore with the records.
The District Magistrate, Bangalore.
The Registrar, Chief Court of Mysore.
The Inspector-General of Police in Mysore.

Exd.—P. S. R. N.

W D 813—GPB—490—12-10-27